

Message Text

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ACTION EUR-12

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FM AMEMBASSY LISBON

TO SECSTATE WASHDC IMMEDIATE 6462

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY MOSCOW

AMCONSUL OPORTO POUCH

AMEMBASSY PARIS

AMCONSUL PONTA DELGADA

USMISSION USNATO

DIA WASHDC

USNMR SHAPE BEL

COMUSFORAZ

UNCLAS LISBON 5533

E.O. 11652: N/A

TAGS: PINT PO

SUBJECT: GOVERNMENT CRISIS: TECHNICAL CONDITIONING FACTORS

REF: LISBON 5465 (DTG 241606Z JUL 78)

1. THE FOLLOWING CONSTITUTIONAL PROVISIONS AND PRACTICAL PROBLEMS BEAR ON THE CURRENT GOVERNMENT CRISIS.

A. HOW A GOVERNMENT FALLS:

-- FAILURE OF A CONFIDENCE MOTION

-- APPROVAL BY ABSOLUTE MAJORITY OF THE ASSEMBLY OF TWO CENSURE MOTIONS WITH AN INTERVAL OF AT LEAST THIRTY DAYS BETWEEN THE MOTIONS.

-- DISMISSAL OF PRIME MINISTER BY THE PRESIDENT AND REVOLU-

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TIONARY COUNCIL.

B. LEGISLATIVE ASSEMBLY:

-- MEETS OCTOBER 15 - JUNE 15.

-- MAY BE CONVENED BY THE ASSEMBLY'S PERMANENT COMMITTEE.

-- MAY BE CONVENED IN EXTRAORDINARY SESSION BY THE PRESIDENT TO TAKE UP SPECIFIC MATTERS.

--MAY BE DISSOLVED BY PRESIDENT UPON A FAVORABLE RECOMMENDATION

FROM REVOLUTIONARY COUNCIL.

C. LEGISLATIVE ASSEMBLY ELECTIONS:

- SET BY PRESIDENT IN HARMONY WITH ELECTION LAW.
- NEW ELECTION LAW MUST BE APPROVED AND NEW ELECTION REGISTRATION SHOULD BE CONDUCTED MAKING ELECTIONS UNLIKELY BEFORE DECEMBER. (ONLY EXISTING ELECTION LAW APPLIED SPECIFICALLY TO THE 1976 ELECTIONS AND MUST BE UPDATED; E.G. 1976 LAW PERMITTED 263 ASSEMBLY DEPUTIES, WHILE CONSTITUTION PROVIDES FOR 250.)
- IF ELECTIONS ARE HELD PRIOR TO OCTOBER 1979, ASSEMBLY ELECTIONS WILL BE HELD AGAIN IN OCTOBER 1980.
- NEW ELECTIONS MUST BE CALLED BY THE PRESIDENT AND HELD WITHIN 90 DAYS OF THE DISSOLUTION OF THE LEGISLATIVE ASSEMBLY.

D. FORMATION OF NEW GOVERNMENT:

- THE PRIME MINISTER IS NOMINATED BY THE PRESIDENT AFTER CONSULTATION WITH THE REVOLUTIONARY COUNCIL AND THE POLITICAL PARTIES AND WITH DUE CONSIDERATION GIVEN TO MOST RECENT ELECTION RESULTS.
 - THE MINISTERS ARE NOMINATED BY THE PRESIDENT ON THE PRIME MINISTER'S RECOMMENDATION.
 - THE GOVERNMENT PROGRAM MUST BE PRESENTED TO THE ASSEMBLY WITHIN TEN DAYS OF THE NOMINATION OF THE
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PRIME MINISTER.

2. EFFECTS OF THE ABOVE PROVISIONS: THE TRANSITIONAL NATURE OF THE FIRST NATIONAL ASSEMBLY UNDER THE 1976 CONSTITUTION POTENTIALLY LIMITS THE PRESIDENT'S OPTIONS IN A WAY NOT FORESEEN IN THE CONSTITUTION. THE PRESIDENT MAY DISSOLVE THE ASSEMBLY. BUT IF HE DOES SO BEFORE THERE IS A NEW ELECTION LAW (TO REPLACE THE 1976 TRANSITIONAL LAW, THE ONLY ONE CURRENTLY ON THE BOOKS), THERE WOULD BE NO CONSTITUTIONAL MEANS FOR PROCEEDING WITH THE ELECTION OF A NEW ASSEMBLY. IN EFFECT, THEN, IF POLITICAL PARTIES WHICH COLLECTIVELY HAVE A MAJORITY OF ASSEMBLY SEATS DO NOT WANT TO GO TO ELECTIONS, THEY COULD TRY TO PREVENT DISSOLUTION OF THE ASSEMBLY BY REFUSING TO PASS AN ELECTION LAW.

BLOOMFIELD

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